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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,187

04/15/2004

Donald F. Gordon

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,187	Applicant(s) LUDVIG, ET AL	
	Examiner Reuben M. Brown	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-7 & 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hooper, (U.S. Pat # 5,422,674).

Considering claim 1, the claimed apparatus for producing a digital bitstream containing an interactive EPG for a digital information distribution system, comprising;

‘means for combining in a frame synchronized manner, background imagery with at least one video sequence and at least one graphic containing program guide information to form a composited frame sequence’, reads on the discussion in Hooper, “once the background image 30 is created...the background image 30 is encoded...by providing the image files to the MPEG encoding software, col. 2, lines 35-68; col. 6, lines 42-67.

‘means for compositing frame-by-frame, at least one video sequence onto the background image to form a background sequence’, is also met by col. 6, lines 41-67.

‘means for compositing a plurality of program guide graphics onto the background sequence, where a different program guide graphic is composited onto the background sequence to form a plurality of program guide frame sequences that represent individual program guide frame sequences that represent individual program guide pages’, reads on the disclosure that overlay images 32 are added to the background image 30, col. 5, lines 49-62

‘means for encoding the composited frame sequence to compress information therein’, is also met by the encoding of the background and overlay images into MPEG format, col. 7, lines 1-30.

Considering claim 2, ‘means for separately encoding each of the program guide frames to form a digital bitstream’, reads on the discussion that each frame may be associated with a parent and/or child frame, which means that each frame has an individual ID, see col. 7, lines 39-56.

Considering claims 3 & 6, ‘means for multiplexing in to a common transport stream’ reads on Hooper transmitting the images as an MPEG transport stream, col. 8, lines 1-25. Even though Hooper discloses that the video data stream 24 (which contains background, overlay and some control data) may be transmitted in a separate stream from control data stream 26 (which

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contains text and other control data), col. 8, lines 3-12, this arrangement is more fully explained by col. 5, lines 15-25, which teaches that if a single medium is used, streams 24 & 26 are multiplexed together, which meets the claimed language.

Considering claim 7, the claimed elements of an apparatus for producing digital bitstream representing interactive EPG, comprises elements that correspond with subject matter mentioned above on the rejection of claims 1 & 6, and is likewise treated.

Considering claims 9-11, the claimed serial-to-parallel converter reads on the multiplexor, col. 5, lines 15-25.

Considering claim 12, Hooper discloses MPEG encoders.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper.

Considering claim 4, Hooper does not discuss the number of EPG sequences. Official Notice is taken that at the time the invention was made, it was known to transmit at least as many sequences as supported by the transmitter. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hooper to transmit any number of sequences, including 15, at least in order to provide a smooth display at the receiver.

Considering claim 5, Official Notice is taken that at the time the invention was made, it was known to transmit audio with video programming. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hooper to transmit audio, along with the video at least in order to provide the users with a more interactive experience.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper, in view of MacInnis, (U.S. Pat # 7,110,006).

Considering claims 8, Hooper teaches storing the background and overlay elements as a bitmap file, col. 6, col. 8. However, the reference does not teach a list or array of weighting functions that control the amount of overlay or background to be used. Nevertheless, MacInnis provides a teaching of a system that stores values for pixels in images that are associated with one or more color look-up tables, which are used to determine the transparency, see Table I; col. 16, lines 1-35. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hooper to utilize a system for storing values, that are used to

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determine transparency, at least for the advantage of more efficiently composing the images, as taught by MacInnis.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Easwar Teaches merging EPG with a background

B) Rosin Teaches calculating the transparency of items on an EPG wheel, using a function, col. 10, lines 20-67.

C) Marshall Mixing EPG using their transparency value(s)

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

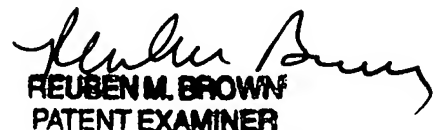
(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER